

**SIDLEY**

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September 19, 2018

The Honorable Beth Labson Freeman  
United States District Court  
Courtroom 3  
5th Floor  
280 South 1st Street  
San Jose, CA 95113

Re: ASUS v. InterDigital, Case No. 15-cv-01716-BLF  
Joint Letter regarding Order re Daubert Motion Schedule

Dear Judge Freeman:

The parties seek clarification regarding the Daubert motion deadlines pursuant to the Court's Order re Daubert Motion Schedule, Docket No. 257. On September 11, 2018, the parties reserved a hearing date of February 14, 2019 for Daubert motions. The parties then submitted a jointly proposed briefing schedule, which provided for the filing of Daubert motions on November 14, 2018. The parties submitted this schedule with the intention to obtain permission to file their motions more than 14 days after they reserved a hearing date. On September 12, the Court's Order adopted the parties' proposed briefing schedule with a Daubert motion filing deadline of November 14, 2018, but also noted the Standing Order requirement that motions be filed within 14 days after reservation of a hearing date or the reservation will expire. The Court's Order further noted that a new hearing date reservation should be made no earlier than 14 days before the Daubert motions are filed and that the Daubert hearing should be at least 60 days before trial.

The Courtroom Deputy has informed the parties that there are no remaining hearing dates available at least 60 days before trial (trial is set to begin on May 6, 2019). Thus, any request for a hearing date made on October 31 (14 days before the agreed-upon and Court-adopted filing deadline of November 14) would presumably not result in a hearing date on or before March 7.

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The parties respectfully request clarification of how to resolve the Court's instructions regarding the briefing and hearing dates. To the extent required, the parties respectfully request permission to maintain the February 14 hearing reservation while adhering to the jointly proposed briefing schedule that was adopted by the Court. The parties are presently briefing motions for summary judgment, with reply briefs due September 27, and thus hope to avoid conflicting briefing schedules, while still providing the Court with nearly two months to review the full set of Daubert briefs pursuant to the adopted schedule.

Respectfully submitted,

/s/ Michael R. Franzinger

Michael R. Franzinger  
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*Counsel for Plaintiffs*  
*ASUS COMPUTER INTERNATIONAL and*  
*ASUSTEK COMPUTER INCORPORATED*

/s/ Matthew R. Reed

Matthew R. Reed  
Wilson Sonsini Goodrich & Rosati  
*Counsel for Defendants*  
*InterDigital Communications, Inc., InterDigital*  
*Technology Corporation, IPR Licensing, Inc.,*  
*and InterDigital Holdings, Inc.*

Attachment

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**FILER'S ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), counsel for plaintiffs ASUS Computer International and ASUSTeK Computer Inc. has obtained concurrence of Matthew R. Reed, counsel for defendants InterDigital, Inc; InterDigital Communications, Inc.; InterDigital Technology Corporation; IPR Licensing, Inc.; and InterDigital Patent Holdings, Inc., in the filing of this Joint Letter regarding Order re Daubert Motion Schedule.

DATED: September 19, 2018

By: /s/ Michael R. Franzinger  
Brian Nester (*pro hac vice*)  
Michael R. Franzinger (SBN 222155)  
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